

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	DATE FILED: <u>March , 2004</u>
	:	
	:	
v.	:	CRIMINAL NO.: 04-
	:	
	:	VIOLATIONS:
JOHN GALL	:	21 U.S.C. § 846 (Conspiracy
WILLIAM MACILVAIN a/k/a “Chucky”:	:	to distribute methamphetamine - 1 count)
GARY CHRISTOPHER	:	
GERALD CLARKE	:	21 U.S.C. § 841 (a)(1) (Distribution
	:	of methamphetamine - 5 counts)
	:	
	:	21 U.S.C. 853 (Criminal forfeiture)
	:	
	:	Notice of prior convictions
	:	
	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about June 2001 through in or about October 2003, in the Eastern District of Pennsylvania and elsewhere, defendants:

**JOHN GALL,
WILLIAM MACILVAIN, a/k/a “Chucky,”
GARY CHRISTOPHER, and
GERALD CLARKE**

conspired and agreed, together and with others known and unknown to the grand jury, to

knowingly and intentionally distributed more than 500 grams of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code Sections 841(a)(1) and 841(b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

1. Defendant JOHN GALL controlled and managed a methamphetamine organization which distributed more than six and one half pounds of methamphetamine.
2. Defendants JOHN GALL and WILLIAM MACILVAIN distributed, often on credit, quantities of methamphetamine to defendant GARY CHRISTOPHER.
3. Defendant JOHN GALL collected money in payment for methamphetamine supplied to defendants GARY CHRISTOPHER and WILLIAM MACILVAIN.
4. Defendant GARY CHRISTOPHER distributed ounce quantities of methamphetamine to defendant GERALD CLARKE.
5. The defendants used telephones to contact, discuss and plan, often in in cryptic and coded language, methamphetamine deliveries and cash collections with one another.

OVERT ACTS

In furtherance of the conspiracy, and to accomplished its objects, the following overt acts, among others, were performed by the defendants in the Eastern District of Pennsylvania.

1. On or about October 11, 2002, defendant GERALD CLARKE sold

approximately two ounces of methamphetamine to a person known to the grand jury in or around 1730 McDade Boulevard, Folsom Township, Pennsylvania, for \$2,400.

2. On or about October 17, 2002, defendant GERALD CLARKE sold approximately two ounces of methamphetamine to a person known to the grand jury in or around 1237 McDade Boulevard, Folsom Township, Pennsylvania, for \$2,400.

3. On or about October 28, 2002, defendant GERALD CLARKE sold approximately two ounces of methamphetamine to a person known to the grand jury in or around Route 420 and McDade Boulevard, Folsom Township, Pennsylvania, for \$2,400.

4. On or about November 20, 2002, defendant GERALD CLARKE sold approximately two ounces of methamphetamine to a person known to the grand jury, in or around 1008 Edgerton Road, Secane, Pennsylvania, for \$2,400.

5. On or about December 20, 2002, defendant GERALD CLARKE sold approximately two ounces of methamphetamine to a person known to the grand jury in or around 1730 McDade Boulevard, Folsom Township, Pennsylvania, for \$2,400.

6. On or about September 12, 2003 at approximately 12:47 p.m., defendants WILLIAM MACILVAIN and GARY CHRISTOPHER used the telephone to arrange the payment for a previous drug distribution. During that conversation, CHRISTOPHER stated, "I gotta see you anyway right?" and MACILVAIN responded, "Yeah for the three."

7. On or about October 16, 2003, defendant JOHN GALL possessed one box of ziplock bags and one digital scale at 45 Lillian Street, Feasterville, Pennsylvania.

8. On or about October 26, 2003, defendant GERALD CLARKE possessed \$2,070 in United States currency at 1008 Edgerton Road, Secane, Pennsylvania.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 11, 2002, at Delaware County, in the Eastern District of
Pennsylvania, defendant

GERALD CLARKE

knowingly and intentionally distributed a mixture or substance containing a detectable amount of
methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 18, 2002, at Delaware County, in the Eastern District of
Pennsylvania, defendant

GERALD CLARKE

knowingly and intentionally distributed a mixture or substance containing a detectable amount of
methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 28, 2002, at Delaware County, in the Eastern District of
Pennsylvania, defendant

GERALD CLARKE

knowingly and intentionally distributed a mixture or substance containing a detectable amount of
methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 20, 2002, at Delaware County, in the Eastern District of Pennsylvania, defendant

GERALD CLARKE

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 20, 2002, at Delaware County, in the Eastern District of Pennsylvania, defendant

GERALD CLARKE

knowingly and intentionally distributed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

NOTICE OF PRIOR CONVICTIONS

Defendant **JOHN GALL** committed the offense charged in this indictment after having been convicted in a United States District Court in the Eastern District of Pennsylvania of the following felony drug offenses:

1. Conspiracy to manufacture methamphetamine and possession with intent to distribute methamphetamine- Criminal No. 81-56-01; and
2. Distribution of methamphetamine-Criminal No. 91-238-01.

NOTICE OF PRIOR CONVICTIONS

Defendant **WILLIAM MACILVAIN**, a/k/a “**Chucky**,” committed the offense charged in this indictment having been convicted in a United States District Court in the Eastern District of Pennsylvania of the following felony drug offense:

1. Conspiracy to manufacture methamphetamine- Criminal No. 87-177-12.

NOTICE OF PRIOR CONVICTIONS

Defendant **GARY CHRISTOPHER** committed the offense charged in this indictment after having been convicted of the following felony drug offenses:

1. Possession with intent to deliver methamphetamine- Bucks County Court of Common Pleas, Criminal No. 81-545; and
2. Conspiracy to distribute P2P and manufacture methamphetamine- United States District Court for the Eastern District of Pennsylvania - Criminal No. 89-156.

NOTICE OF FORFEITURE

A. As a result of violations of Title 21, United States Code, Sections 841(a)(1) set forth in the indictment, the defendants

**JOHN GALL,
WILLIAM MACILVAIN, a/k/a “Chucky,”
GARY CHRISTOPHER, and
GERALD CLARKE**

shall forfeit to the United States of America:

1. (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to:

- (a) 3245 Aramingo Avenue, Philadelphia, Pennsylvania;
- (b) 4041 Comly Street, Philadelphia, Pennsylvania;
- (c) A 1998 Chevrolet Corvette, PA license, VIN # 1G1YY32G2W5115047;

and

(d) \$120,000 in United States currency, representing the approximate value of the controlled substances involved in this indictment;

2. Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code, as charged in this indictment.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendants:

- 1. cannot be located upon the exercise of due diligence;
- 2. has been transferred or sold to, or deposited with, a third party;
- 3. has been placed beyond the jurisdiction of the Court;
- 4. has been substantially diminished in value; or

5. has been commingled with other property which cannot be divided
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to
seek forfeiture of any property of the defendants up to the value of the property subject to
forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney